

ASSURANCES

Common Pool Concept

The "Common Pool" concept will be maintained in the Delta. All water diverted from the Delta by the SWP and CVP must be diverted from the Common Pool. No diversions will be made from the North Delta and conveyed around the Delta.

Funding and Implementation Authority

A steady stream of funding is required for the Levee System Integrity Program. In order to get the necessary authority to implement the Levee Program, several sections of the California Water Code must be modified.

Environmental Enhancement and Mitigation

Environmental enhancement and mitigation components for all work will be included under the Levee Program. Each element of the Levee Program will fund a Mitigation Bank as part of the ERPP to provide one-to-one mitigation for work completed under that element of the Levee Program. For each Levee Program element, the ERPP will fund and include enhancement features that provide a net long-term habitat improvement and a net benefit to aquatic species in the Delta.

The proposed CALFED Delta Ecosystem Authority will provide one stop shopping for all environmental permits, provide environmental compliance administration and will be funded from the mitigation banking program. Environmental mitigation and enhancement shall be planned and implemented on a Delta wide basis, not on a project by project basis. Modify §12300, 12301, §12303 & §78543 of the California Water Code.

Delta Levee Maintenance - Base Level Protection Plan Element

Funding for reconstruction of Delta levees to the PL 84-99 standard shall be at least \$45 million a year for the first three years and \$35 million a year for every year thereafter. The first three years include \$15 million a year contribution to build up the mitigation bank. Funding after the third year includes \$5 million a year contribution to the ERPP for planning, design, construction, and future maintenance of an environmental mitigation-banking program. Modify §12303 & §78540 of the California Water Code.

DRAFT
LEVEE ASSURANCES SUBGROUP
12/23/97

Cost sharing for Delta Levee reconstruction will be split between federal, state, and local interests. Local interests will provide all Lands, Easements, Rights of Way, Relocations, and Dredge Material Disposal Sites. Local interests will save and hold the federal and state governments harmless. The federal and state governments will provide all other project costs.

After a levee is reconstructed to PL 84-99, local interests will operate and maintain the levee with a 75% - state to 25% - local cost-sharing partnership. The federal government will not participate in levee maintenance. Modify §12303 & §78540 of the California Water Code.

Priorities for work under the Base Level Protection Plan will be based on a Regional Work Plan developed by local interests. Modify §12984 of the California Water Code.

Design and Construction Management of work under the Base Level Protection Plan will be competitively bid and reviewed by an agency acceptable to all cost sharing partners. Modify §12987 of the California Water Code.

Delta Levee Maintenance - Special Projects Element

Special Projects shall be defined as shown in § 12311 of the California Water Code.

Funding for Special Projects shall be at least \$15 million / year for the first three years and \$12 million / year thereafter. The first three years include \$5 million a year contribution to build up the mitigation bank. Funding after the third year includes \$2 million a year contribution to the ERPP for planning, design, construction, and future maintenance of an environmental mitigation-banking program. Modify §12300, 12301 & §12303 of the California Water Code.

Cost sharing for Special Projects will be split between federal, state, and local interests. Project beneficiaries will provide all Lands, Easements, Rights of Way, Relocations, and Dredge material disposal sites. A designated beneficiary will operate and maintain all Special Project facilities. A designated beneficiary will save and hold the federal and state

DRAFT
LEVEE ASSURANCES SUBGROUP
12/23/97

governments harmless. The federal and state governments will provide all other project costs. Modify §12312 of the California Water Code.

After Special Project facilities are reconstructed, a designated beneficiary will operate and maintain the levee with a 75% - state to 25% - local cost sharing partnership. The federal government will not participate in Special Project facility maintenance. Modify §12316 of the California Water Code.

Priorities for work under Special Projects will be set by the Reclamation Board. Modify §12313 of the California Water Code.

Design and Construction Management of work under Special Projects will be competitively bid. Modify §12314 of the California Water Code.

Subsidence Control Element

A grant program will be instituted for the development and implementation of Best Management Practices for subsidence control in the Delta. Modify §12986 of the California Water Code

Funding for subsidence control on Delta Islands shall average \$5 million / Year for the planning horizon of the CALFED Bay-Delta Program. Modify §12303 of the California Water Code.

Cost sharing for subsidence control will be split between federal, state, and local interests. Local interests will provide all Lands, Easements, Rights of Way, Relocations, and Dredge material disposal sites. Local interests will operate and maintain all subsidence control facilities. Local interests will save and hold the federal and state governments harmless.

The federal and state governments will provide all other project costs. Modify §12303 & §78540 of the California Water Code.

Priorities for work under subsidence control will be set by the local interests. Modify §12984 of the California Water Code.

Design and Construction Management of work under subsidence control will be competitively bid. Modify §12987 of the California Water Code.

DRAFT
LEVEE ASSURANCES SUBGROUP
12/23/97

Emergency Response Element

The federal, state, and local interests shall improve the existing emergency response system for the delta. Efforts shall include the development of SEMS/ICS organization and implementation criteria, emergency material stockpiles, standardized contracts, a delta focused multi-agency emergency response team, and a consistent, well defined disaster assistance program for the delta from OES, FEMA, and the COE.

Funding for the Emergency Response Element shall be from the Base Level Protection Plan Element at the discretion of the cost-sharing partners. Modify §12303 of the California Water Code.

Delta Recreation Access

The Delta Levee Program will not significantly impair recreational access in the Delta unless it is necessary to protect Delta Levee integrity.

The following questions need to be answered for the Assurances Workgroup:

How can success be measured for the different elements of the program?

The Levee Program will be a success when:

Delta levees can be maintained in an expeditious and cost effective manner.

Base Level Protection Plan Element

Funding for reconstruction of Delta levees to the PL84-99 standard will be \$35 or 45 million / year for the planning horizon of the CALFED Bay-Delta Program.

Special Projects Element

Funding for Special Projects will be \$12 or 15 million / year for the planning horizon of the CALFED Bay-Delta Program.

Subsidence Control Element

Grant funding for subsidence control on Delta Islands will be \$5 million / Year for the planning horizon of the CALFED Bay-Delta Program.

Emergency Response Element

Emergency response in the Delta is improved by having pre-positioned flood fighting supplies and improved local organization.

What Elements are important for assuring the plan?

- The "Common Pool" Concept
- A continuous revenue stream
- Authority to implement the plan (modification of the California Water Code)
- Endangered Species Act protections
- Streamlined levee maintenance permit process

What are the major pitfalls to successful implementation?

- Loss of the "Common Pool" Concept
- Unable to get or maintain the required revenue stream
- Unable to get or maintain the required authority to implement and assure the plan
- No significant improvements in the levee maintenance permit process

What strings or conditions are appropriate for Delta Levee improvements above PL 84-99 to assure this work is consistent with ERPP and actually further the goals of the ERPP?

Current law requires that all levee maintenance work provide "features that provide a net long-term habitat improvement and a net benefit to aquatic species in the Delta". The ERPP will be responsible for formulation and implementation of all enhancement components on behalf of the Levee program.